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BENEDETTI, R.L.		
BENJAMIN, A.		
BERMAN, H.S.		
CARNIVAL, G.J.		
COPP, R.D.		
CORDOVA, R.C.		
DAVIS, J.G.		
FERRERA, D.W.		
FRANZ, W.A.		
HANNI, B.J.		
HEALY, T.J.		
HEDAH, T.G.	XX	
HILBIG, J.G.		
KIRBY, W.A.		
KUESTER, A.W.		
MAH, H.P.		
MARX, G.E.		
MCKENNA, F.G.		
MORGAN, R.V.		
PIZZUTO, V.M.		
POTTER, G.L.		
RILEY, J.H.		
SANDLIN, N.B.		
SATTERWHITE, D.G.		
SCHUBERT, A.L.		
SETLOCK, G.H.	XX	
SULLIVAN, M.T.		
SWANSON, E.R.		
WILKINSON, R.B.		
WILSON, J.M.		

Murdock m XX

Harrington F XX



Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

93-DOE-10979

OCT 05 1993

Mr. Ronald Hellbusch
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80030

Dear Mr. Hellbusch:

Enclosed are the Department of Energy/Rocky Flats Office comments on the latest draft of the Standley Lake Protection Project Biological Assessment (BA). We believe the proposed revisions will address issues that will need to be covered for purposes of the Endangered Species Act Section 7 consultation with the U. S. Fish and Wildlife Service (FWS), and present the FWS with a complete BA to streamline the consultation process.

These comments were faxed to your staff and consultants on September 22, 1993. If you have any questions concerning these comments, please contact Gail Hill at 966-3424.

Sincerely,

James K. Hartman
Assistant Manager for Transition
and Environmental Restoration

Enclosure

cc w/ Enc:

M. McBride, DAMTER, RFO
M. Roy, OCC, RFO
A. Howard, EPD, RFO
G. Hill, EPD, RFO
P. Powell, EPD, RFO
J. Wegrzyn, SMS, RFO
F. Harrington, END, EG&G
M. Murdock, END, EG&G
T. Holeman, City of Broomfield
L. Johnson, Carlson, Hammond, and Paddock

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Reviewed for Addressee
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ROCKY FLATS PLANT
CORRESPONDENCE

DRAFT

DEPARTMENT OF ENERGY/ROCKY FLATS OFFICE RECOMMENDED CHANGES TO THE STANDLEY LAKE PROTECTION PROJECT BIOLOGICAL ASSESSMENT OUTLINE

Overall, the outline content looks appropriate and should cover the main topics required for the biological assessment (BA). However, some fine tuning may be appropriate as informal discussions with the Fish and Wildlife Service (FWS) progress.

Comment on: 2.0 Project Description - Under 2.3 Project Operation, we recommend adding a subsection 2.3.4 Other Normal Activities to cover sampling, possible aeration of the water in WCR, etc.

Comment on: 4.0 Potential Contaminants of Concern - Ensure that possible eaglets, and changes in roosting and perching areas are also addressed.

Comment on: 5.0 Project Features That Limit Exposure - Under 5.3, for all subsections of operational activities, list also human activities, along with physical, chemical/radiological, and biological effects.

Comments on: Bald Eagles - Normal Activities That Influence Exposure - Combine first two bullets to read: Prior to 1993, bald eagles were seasonal visitors to the Standley Lake area, generally between November and April.

For the 4th bullet, the first two items should be expanded to include rationale and justification, including documentation for coming to these conclusions.

For bullet 5, insert "eagles *primarily* rely on Standley Lake...".

For last two bullets, emphasize that the CBO study was based on limited data in 1993.

Comments on: Standley Lake Protection Project Routes of Exposure for Bald Eagles -

Ingestion of water, and direct contact with water - Change first sub-bullets to "Water is *routinely* of good quality".

The other sub-bullets under these headings should be explained in detail in the BA, and a list of the contaminants of potential concern/contaminants of concern should also be included.

Inhalation of air - Add a sub-bullet that no construction will occur when the eagles are present, and add any pertinent information that is present in the human risk assessment already completed.

Ingestion of prey - Under Fish, suggest rewording to "Normal or routine operation will preclude fish from *entering and populating* WCR."

Under Prairie Dogs, suggest rewording to "Fencing and *other engineering* controls will exclude...".

For second sub-bullet, suggest rewording to "Large prairie dog towns, N, NW, and SW of Standley Lake *documented in 1973* provide *adequate* prey base *accessibility* for bald eagles." (This information should be substantiated with CBO.)

For third sub-bullet, suggest rewording to "CBO 1993 study indicates primary foraging area *consists of approximately* ____ *ha of forageable habitats north and northwest of 100th Avenue.*"

Under Waterfowl, suggest rewording of 1st sub-bullet to "Design WCR to *be unattractive to waterfowl and shorebirds.*"

Suggest rewording of 2nd sub-bullet to "Implement *biota* exclusion activities *per WCR operational plan if a spill or release of hazardous materials that threaten to reach WCR occurs.*"

Comments on: SLPP Potential Operational Responses - Under Standard Project features, suggest rewording 1st bullet to "Fencing and other engineering controls to *minimize exposure to eagles and potential prey*", and deleting 2nd bullet. Because harassment of the eagles' prey can also be considered "take", this wording could be unacceptable to the FWS.

Also, any other use of the word "harassment" in this section will need to be reframed, and positive, proactive strategies to preclude "take", such as netting, should be emphasized.

Under Wildlife Enhancement, a strategy similar to a Habitat Conservation Plan that could be jointly developed with DOE/RFO and Jefferson County Open Space should be presented. Expanded detail on a plan should be documented, provided, or referenced in this heading. (Suggest contacting Bryan Pritchett, Jefferson County Open Space at 271-5925.)

Comments on: SLPP Severing Exposure Pathways - Under the Construction heading, the human health risk assessment for construction should be referenced where applicable, and if possible, used to demonstrate any similar lack of effect to the eagles.

Under Operation - Normal, suggest revising bullet 1: "WCR *will be designed to be unattractive to waterfowl and other wildlife species that may constitute prey for bald eagles*"; and bullet 2: "WCR *will be designed and operated to exclude the presence of fish populations that may serve as prey for bald eagles.*"

Also suggest a 6th bullet as follows: "A *proactive wildlife enhancement plan to offset the loss of habitats associated with the construction and operation of WCR to attract wildlife to areas more suitable for wildlife use will be developed and implemented among the Cities, RFO, and Jefferson County Open Space.*"

Under Operation - Spill Event, positive, proactive activities to preclude exposure of the eagles and their prospective prey by non-hazing or non-harassing, such as netting, should be emphasized and placed first under this heading. The other activities listed under this heading may be construed as harassment, and should be removed. A suggested replacement bullet would be "*The Cities will confer with the U.S. Fish and Wildlife Service on a case-by-case basis to develop and implement strategies to minimize the probability for harassment of bald eagles during spill response operations.*"

As discussed with Dave Kaunisto earlier, all components of the SLPP need to be included in this biological assessment. The Section 7 consultation must deal with the individual and cumulative impacts to T&E species, wetlands, etc., of the entire project, not just the WCR. It also will be easier to deal with all the issues now, and not revisit this entire process again.